

STAT LAW October 2009

NEW CMS RULE FOR MEDICARE OVERPAYMENTS

The Centers of Medicare and Medicaid Services (CMS) published a new rule that prohibits Medicare from recouping alleged overpayments during the first level of appeal if the provider files a timely appeal. The new rule implements a provision contained in the Medicare Prescription Drug Improvement and Modernization Act of 2003. All providers that are the subject of Medicare audits should retain competent counsel as soon as possible in the audit process.

GRANTS TO IMPROVE QUALITY AND REDUCE MALPRACTICE

On September 17, 2009, the White House announced a new program to examine evidenced-based patient safety initiatives. Under the new program, the government will offer grants to states and health systems for research into the reduction of preventable injuries and fostering better communication between doctors and their patients.

HHS AND FTC PUBLISH INTERIM SECURITY BREACH RULES

The Department of Health and Human Services (HHS) published an interim security breach rule that requires HIPAA covered entities and their business associates to notify patients when the patients' unsecured protected health information has been breached. The Federal Trade Commission (FTC) issued a companion interim rule that applies to vendors of personal health records not covered by HIPAA. The rules implement provisions of the Health Information Technology for Economic and Clinical Health Act (HITECH Act).

MANY COMMUNITIES NOT READY TO HANDLE H1N1

A recent study by the Department of Health and Human Services' Office of Inspector General revealed that most communities are not fully prepared to handle a surge of H1N1 patients. According to the study, the communities had not recruited sufficient volunteers and had not established sufficient guidelines for triage and admission of H1N1 patients.

NEW YORK TO MANDATE FLU VACCINE

New York passed a regulation requiring health workers to get swine flu vaccinations. The unions representing those health workers are considering legal action opposing the regulations.